

Dear Mr. Ellis,

I wish to thank you for all of the work you did in the case of Rock Acquisition Limited Partnership v. Commissioner of Transportation. In this case we were able to attain an award of an additional twenty two million, nine hundred thousand dollars (\$22,900,000.00) plus interest at 10%, for an award in excess of thirty million dollars (\$30,000,000.00) over the amount the state had deposited (\$4,100,000).

When we retained you in this case, this type of a result was far from certain. The state was adamantly taking a position that any award for the product of the quarry would constitute an illegal award of compensation for the taking of a business. They claimed that federal law permitted only one type of evaluation, a royalty approach, and that using that approach the quarry was worth *less* than the amount originally deposited.

In addition, the state claimed that the rock was not of a proper quality for road construction, that the estimate of rock available was incorrect, and that competition from other companies located in the region devalued this property. I note on page 24 of the court's decision that the court specifically adopted your analysis of the rock, and your testimony concerning the suitability of the rock for construction and road use.

This was a major factor in the successful outcome achieved. As our expert you were able to provide tremendous assistance in educating us, and the court, concerning the different qualities of the rock, its age, the location of granite seams, the amount of granite gneiss on the site, and the various properties of the rock. If the rock was found to be wanting in any of these elements, we would have had a minimal recovery. Your thorough, hands on inspection of the site, your tremendous knowledge of geology and the mining industry, and your thorough preparation, in my opinion, created the foundation of our recovery.

In sum, the work you did was professional, clearly within the realm of appropriate expert testimony, and very thorough.

Sincerely yours,

R. Bartley Halloran